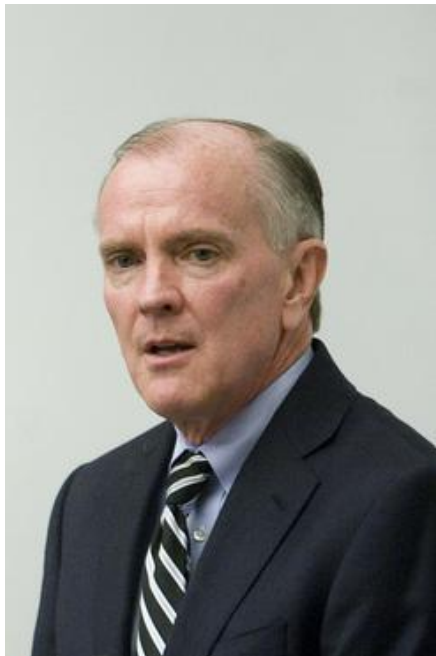


## D.C. Expands Pro Bono Practice Rule to In-House Lawyers

By Zoe Tillman, Legal Times

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James Sandman. Photo: Diego M. Radzinski/NLJ

Legal services lawyers in the District of Columbia are hoping a recent change in the local practice rules will bump up pro bono involvement by corporate in-house lawyers.

On Wednesday, the D.C. Court of Appeals adopted a rule allowing in-house lawyers in Washington who aren't members of the D.C. Bar to perform pro bono work. Those in-house lawyers must be a member in "good standing" with the highest court of another state or territory; have no history of suspension or being disbarred; work under the supervision of an active D.C. Bar member; and be assigned or referred by a local legal-services group.

"It allows us to bring in a new category of lawyers to help low-income people in D.C. who can't afford a lawyer," said Jim Sandman, president of the Legal Services Corp. and chairman of the D.C. Bar Pro Bono Committee.

There are an estimated 500 in-house lawyers working in Washington, according to proponents of the new rule. It's unknown how many of those attorneys are already members of the D.C. Bar, but Sandman said he believed many, if not a majority, are not.

The new rule mirrors a similar pro bono exception carved out for lawyers working for the federal government who aren't members of the D.C. Bar. D.C. Court of Appeals Chief Judge Eric Washington said in an email Thursday that the purpose of the new rule was to allow local in-house counsel to join with other D.C. attorneys "to help close the justice gap here in Washington."

"Lawyers understand that the practice of law is a privilege, not a right, and that with that privilege comes responsibility," Washington said. "Those responsibilities include working to improve access to justice for all."

Sandman said getting more corporate lawyers involved in pro bono would also spur law firms to step up. Corporate legal departments "have a leveraging effect on the private bar," he said. "Law firms pay attention to what clients care about."

There are at least 20 states with rules explicitly allowing nonlocally barred in-house lawyers to do pro bono work, according to a survey this year by Corporate Pro Bono, a partnership between the Pro Bono Institute and Association of Corporate Counsel.

States vary in how broad they make practice exceptions for in-house lawyers who aren't members of the local bar. The pro bono rule adopted in D.C. places more restrictions than some states that don't require supervision by a bar member or an affiliation with a legal-services organization.

Amar Sarwal, vice president and chief legal strategist of the Association of Corporate Counsel, said there's been a push nationwide over the past six years to expand pro bono practice rules to in-house lawyers.

"You have all of these great lawyers coming from all over the country and around the world who could provide services, but ... they couldn't practice for a third-party pro bono client without going through some significant hurdles," Sarwal said.

Luise Welby, managing associate general counsel of Washington-based Freddie Mac, said she's had to turn away local in-house lawyers in the past who were interested in pro bono programs. Welby is vice president of external relations for the Washington Metropolitan Area Corporate Counsel Association.

The new rule "takes one hurdle out of the equation," Welby said. In-house lawyers "will come and do it, you just have to make those opportunities available."

Monika Kalra Varma, executive director of the D.C. Bar Pro Bono Program, said she was pleased that the court moved in "record time" to adopt the new rule. "It's a real sign of where the court's priority is on access to justice," she said.